0400

I hereby certify that this correspondence is seing deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents Washington, D.C. 20231

FEB 1 2 2002

#3

Attorney Docket No.: 020460-001000US

Client Reference No.: 220.09US

TOWNSEND and TOWNSEND and CREW LLP

Brad J. Loos

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MOTASIM SIRHAN and JOHN YAN

Application No.: 10/017,500

Filed: December 14, 2001

For: APPARATUS AND METHODS FOR VARIABLY CONTROLLED SUBSTANCE DELIVERY FROM IMPLANTED PROSTHESES Examiner:

Unassigned

Art Unit:

Unassigned

INFORMATION DISCLOSURE

STATEMENT UNDER 37 CFR §1.97 and

§1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

## MOTASIM SIRHAN and JUAN YAN

Application No.: 10/017,500

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

James M. Heslin Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8<sup>th</sup> Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

JMH:bjl

PA 3192950 v1